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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,398	08/31/2006	Giuseppe Lo Biundo	Q89568	8985

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EXAMINER

WEINSTEIN, LEONARD J

ART UNIT	PAPER NUMBER
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3746

NOTIFICATION DATE	DELIVERY MODE
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03/31/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/553,398	Applicant(s) LO BIUNDO ET AL.	
	Examiner LEONARD J. WEINSTEIN	Art Unit 3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment of January 15, 2010. In making the below rejections and/or objections the examiner has considered and addressed each of the applicant's arguments.
2. The examiner acknowledges the amendments to claims 1, 2, and 4-9. The examiner notes that claim 3 has been canceled.

Claim Objections

3. Claim 1 objected to because of the following informalities: the limitation "the group" and should be amended to recite --- the oil and vacuum pump group ---. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim X rejected under 35 U.S.C. 102(b) as being anticipated by Whitefield US 5,282,446.

Whitefield teaches all the limitations as claimed for an oil and vacuum pump group for an engine (not shown; col. 2 ll. 16-19) including:

[claim 1]

at least one motion transmission shaft (15, 31) extending along a main axis X-X (longitudinal axis of the water pump 11, oil pump 12, and vane pump 40 in the

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embodiment of figure 2; “pump axis”), at least one oil pump 12 mounted on said at least one motion transmission shaft (15, 31) coaxially to said main axis X-X (pump axis), at least one vacuum pump 40 mounted on said at least one motion transmission shaft (31 of 15, 31) coaxially to said main axis X-X (pump axis), a gear (the gear formed by the inner surface of element 16 when provided with a splined coupling with the ends of elements 15 and 31, col. 2 ll. 63-68; this would provide an inner surface element 16 with gear like teeth that engaged with the teeth formed by the splines on the shafts 15 and 31; “16 inner spline”) on said at least one motion transmission shaft (15 of 15, 31) coaxially said main axis X-X (pump axis) and adapted to derive a rotary motion from a driving gear (outer surface of the element 15 when a splined coupling is provided, see col. 2 ll. 63-68; the gear is constructively formed by pulley 42, shaft 15, and the splined coupling end of shaft 15; “gear end of 15”) of an engine and to transfer said rotary motion to said at least one motion transmission shaft (transmits to element 31 of the shaft defined by elements 15 and 31) to drive said at least one oil pump 12 and said at least one vacuum pump 11, wherein the oil and vacuum pump group (12 and 40) is structurally independent from and adapted to be associated with said engine (col. 2 ll. 16-19), wherein said gear (16 inner gear) is operatively placed between said at least one oil 12 and said at least one vacuum pump 40;

[claim 2]

wherein said at least one oil pump 12 and said at least one vacuum pump 40 are units which are structurally independent from each other (col. 3 ll. 54-60);

[claim 4]

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wherein said at least one oil pump 12 is a single-stage or two-stage pump;

[claim 5]

comprising means (body of 12; col. 3 ll. 26-30; 50-62) for the attachment to an engine block (not shown);

[claim 6]

wherein said means (body of 12 and element 15; col. 3 ll. 26-30; 60-62) for the attachment to an engine block (not shown) comprises a plurality of brackets 50 intended to cooperate with respective brackets (brackets that receive element 50; col. 3 ll. 26-30) formed on said engine block (not shown);

[claim 7]

wherein said at least one oil pump 12 and said at least one vacuum pump 40 are mounted on a single motion transmission shaft (15, 31) coaxially to said main axis X-X (pump axis; see embodiment of figure 2);

[claim 9]

and an engine (col. 2 ll. 16-20), comprising an oil 12 and vacuum 40 pumps group according to claim 1.

Whitefield teaches all the limitations as claimed for a method for assembling an oil and vacuum pump group for an engine (not shown; col. 2 ll. 16-19) including the steps of:

[claim 8]

- a. providing at least one motion transmission shaft (15, 31) extending along a main axis X-X (pump axis),

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- b. providing at least one oil pump 12
- c. providing at least one vacuum pump 40
- d. providing a gear, (the gear formed by the inner surface of element 16 when provided with a splined coupling with the ends of elements 15 and 31, col. 2 ll. 63-68; this would provide an inner surface element 16 with gear like teeth that engaged with the teeth formed by the splines on the shafts 15 and 31; "16 inner gear")
- e. mounting said gear (16 inner spline), said at least one oil pump 12 and said at least one vacuum pump 40 on said at least one motion transmission shaft (15, 31) coaxially to said main axis X-X (pump axis), wherein mounting said gear (16 inner spline), said at least one oil pump 12 and said at least one vacuum pump 40 on said at least one motion transmission shaft (15, 31) comprises positioning said gear (16 inner spline) between said at least one oil pump 12 and said at least one vacuum pump 40 ;

Response to Arguments

6. Applicant's arguments with respect to claims 1, 2, and 4-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are cited on form 892 herewith.

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8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEONARD J. WEINSTEIN whose telephone number is (571)272-9961. The examiner can normally be reached on Monday - Thursday 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon Kramer can be reached on (571) 272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Leonard J Weinstein/
Examiner, Art Unit 3746